

1 James Alan Bush
1745 De Marietta Avenue #3
2 San Jose, CA 95126
(408) 982-3272

3 Plaintiff in pro per
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10 UNITED STATES DISTRICT COURT
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12 NORTHERN DISTRICT OF CALIFORNIA
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14 SAN JOSE DIVISION
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13 James Alan Bush,) Case No.: C 08-01354 (RS) JF
14)
14) Petitioner,) PETITION FOR WRIT OF MANDATE
15)) AGAINST SUPERIOR COURT OF
15 v.) CALIFORNIA, COUNTY OF SANTA CLARA,
16) FAMILY DIVISION
16 Superior Court of California,)
17 Santa Clara County, Family) [Code Civ. Proc. §§ 1085, 1086(;
17 Division,) Cal. Rules of Ct., Rule 8.490)]
18)
18 Respondent.) Judge Jeremy Fogel
19)
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22 PETITION FOR WRIT OF MANDATE

22 Comes now the Petitioner, James Alan Bush, on information, belief
23 and established facts, by and through his own counsel of record, in
24 pro se, and for his causes of action against Respondent, Superior
25 Court of California, Santa Clara County, Family Division, states the
26 following:

FILED
2008 MAY -9 PM 4:46
RICHARD W. WIEKING
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

1 Petitioner is seeking mandamus relief to which he is entitled under
2 [Code Civ. Proc. §§ 1085, 1086(; Cal. Rules of Ct., Rule 8.490)] against
3 Respondent, Superior Court of California, County of Santa Clara, Family
4 Division to compel discovery and permit the filing of a temporary
5 restraining order.

6 On March 12th, 2008, Petitioner attempted to file for a temporary
7 restraining order at the Superior Court of California, County of
8 Santa Clara, Family Division; however, it was rejected by the clerk
9 because plaintiff could not ascertain the true names and capacities of
10 Defendants, STALKER DOES ONE to SEVEN, prior to filing.

11 On the same date, Petitioner attempted to file a complaint for
12 stalking and harassment at both the Santa Clara County Office of the
13 Sheriff and the San Jose Police Department; both agencies refused,
14 citing lack of jurisdiction or wrong venue, respectively.

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16 **RELIEF REQUESTED**

17 WHEREFORE, Petitioner asks this Court to order Respondent to compel
18 the:

- 19 1. Clerk of the Superior Court of California, Santa Clara County,
20 Family Division, to allow petitioner to file his complaint for civil
21 harassment; or, in the alternative, grant a temporary restraining
22 order to enjoin the defendants from stalking plaintiff;
- 23 2. San Jose Police Department, Santa Clara County Office of the
24 Sheriff, or the California Department of Motor Vehicles, to reveal
25 the true names and capacities of the STALKER DOES ONE to SEVEN to
26 Petitioner based on the license plate number of each; or, in the

alternative, order the Santa Clara County Office of the Sheriff to
serve process to STALKER DOES ONE to SEVEN, until the Court has
held a hearing between the two parties; and,

- Superior Court of California, County of Santa Clara, Family Division,
to issue a temporary restraining order, *ex parte*, and set a hearing
for a permanent restraining order.

Petitioner: _____

Dated: _____

5-9-08

CERTIFICATE OF SERVICE

A copy of the above notice of motion was mailed by certified mail,
return receipt requested, to Superior Court of California, County of
Santa Clara, Family Division, San Jose Police Department and the Office
of the Attorney for the City of San Jose, the Santa Clara County Office
of the Sheriff and the District Attorney for the County of Santa Clara,
and the California Department of Motor Vehicles, on May 9th, 2008.

Petitioner: _____

Dated: _____

5-9-08